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TAGS: [PREL](#) [AORC](#) [APER](#) [UNGA](#) [UNGA](#) [UNGA](#) [NL](#)  
SUBJECT: NETHERLANDS/UN: SUPPORT FOR USG ON UN SYSTEM OF INTERNAL JUSTICE

REF: STATE 51372

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**¶1.** (SBU) SUMMARY: POLOFF shared reftel points with Peter van der Vliet, the Dutch MFA office director for UN political issues, and Vincent Roza, who covers Fifth and Sixth Committee issues at the UN. In a follow-up conversation on June 11, Roza expressed general support for the U.S. positions while urging continued effort to create a comprehensive system. END SUMMARY.

#### OVERVIEW

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**¶2.** (SBU) Roza said the Dutch support the USG on most issues raised in reftel's non-paper, including efforts to limit costs, the role of staff associations, and subject matter jurisdiction for the UN Appeals Tribunal (UNAT). Roza had recently returned from New York, where he had seen the USG paper, and he noted that the Dutch delegation appreciated the comprehensive review of the issues by the United States. However, the Dutch noted an "overarching desire" by the USG to "defer" decisions on this issues. The Dutch would prefer to resolve as many issues as possible ahead of the Sixth Committee action the week of June 23, and then finalize the details in October, with the aim of creating a "more comprehensive" system of internal justice. Roza noted the recent ad in the Economist for a UN Dispute Tribunal (UNDT) judge was a good sign of progress.

#### POINTS OF DISAGREEMENT

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**¶3.** (SBU) Although the Dutch agree with the USG on most reftel points, Roza cited a few areas of disagreement, where the Dutch seek compromise solutions:

-- Regarding the scope of system, the Dutch suggest a "step by step" approach, following the U.S. proposal to cover only UN staff, but allowing for expanded jurisdiction at a later date as consensus develops. For example, the Dutch see the Advisory Committee on Administrative and Budgetary Questions (ACABQ) and Joint Inspection Unit (JIU) members as likely candidates to be covered by the UN's internal justice system.

-- Regarding subject-matter jurisdiction, the Dutch want to ensure that management "cannot hide behind" the lack of written policy, so they are looking for alternatives to limiting claims solely to violations of written terms of appointment.

-- Regarding the number of judges in the UNDT, the Dutch completely agree with U.S. observations but see room for compromise as envisioned in the EU proposal on this issue.

-- Regarding caps on damages, the Dutch agree in principle

but see the need to give UNAT the authority to lift caps in some circumstances.

-- Regarding transitional arrangements, the Dutch have not yet finalized their position.  
Gallagher